

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2011-0061**

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE
COLORADO RIVER BASIN REGION ESTABLISHING A TOTAL MAXIMUM DAILY LOAD AND
IMPLEMENTATION PLAN FOR DISSOLVED OXYGEN IN THE NEW RIVER AT THE
INTERNATIONAL BOUNDARY, IMPERIAL COUNTY, CALIFORNIA

WHEREAS:

1. On May 20, 2010, the Colorado River Basin Regional Water Quality Control Board (Colorado River Basin Water Board) adopted [Resolution No. R7-2010-0011](#) amending the Basin Plan to establish a Total Maximum Daily Load (TMDL) and implementation plan for dissolved oxygen in the 12-mile reach of the New River downstream of the International Boundary ([Basin Plan amendment](#)).
2. The Colorado River Basin Water Board found that the Basin Plan amendment was consistent with the provisions of [State Water Board Resolution No. 68-16](#), "Statement of Policy with Respect to Maintaining High Quality of Waters in California" and Code of Federal Regulations, title 40, section 131.12.
3. The Colorado River Basin Water Board approved the amendment pursuant to the State Water Board's certified California Environmental Quality Act's (CEQA) regulatory program, as set forth in the California Code of Regulations, title 23, section 3720 et seq. The Colorado River Basin Water Board found that the analysis contained in its Substitute Environmental Document for the proposed Basin Plan amendment, including the CEQA Checklist, the Final TMDL Staff Report, and supporting documents (collectively, "Substitute Environmental Documentation") complies with the requirements of the State Water Board's certified regulatory CEQA process. The State Water Board has reviewed the Substitute Environmental Documentation and concurs with the Colorado River Basin Water Board's findings.
4. The State Water Board finds that the Basin Plan amendment is in conformance with Water Code section 13240, which specifies that regional boards may revise basin plans; and Water Code section 13242, which requires a program of implementation to achieve water quality objectives.
5. The regulatory action meets the "Necessity" standard of the Administrative Procedures Act, Government Code, section 11353, subdivision (b)(2). The necessity of developing a TMDL is established in the TMDL Staff Report, the federal Clean Water Act section 303(d) List of Water Quality Limited Segments, and the data contained in the administrative record for the proceeding documenting the impairments of the New River.
6. The Basin Plan amendment does not become effective until it is reviewed and approved by the State Water Board and its regulatory provisions approved by the California Office of Administrative Law (OAL). Finally, the TMDL must also receive approval from the U.S. Environmental Protection Agency (U.S. EPA).

7. The Colorado River Basin Water Board's staff determined that a minor, nonsubstantive correction to the text of the Basin Plan amendment was necessary. The Colorado River Basin Water Board's Executive Officer made that minor correction in a [memorandum](#) dated November 21, 2011.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the Basin Plan amendment adopted by the Colorado River Basin Water Board under Resolution No. R7-2010-0011.
2. Authorizes the Executive Director or designee to submit the Basin Plan amendment adopted under Colorado River Basin Water Board Resolution No. R7-2010-0011, as approved, and the administrative record for the proceedings to the OAL, and further authorizes the Executive Director or designee to submit the TMDL to the U.S. EPA for approval.

CERTIFICATION

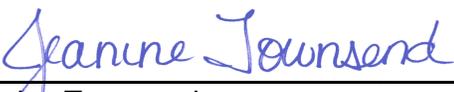
The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on December 6, 2011.

AYE: Chairman Charles R. Hoppin
Vice Chair Frances Spivy-Weber
Board Member Tam M. Doduc

NAY: None

ABSENT: None

ABSTAIN: None



Jeanine Townsend
Clerk to the Board